

**WILLIAMSBURG PLANNING COMMISSION
MINUTES
2005 COMPREHENSIVE PLAN WORK SESSION #11
Tuesday, July 6, 2004**

A work session of the Williamsburg Planning Commission was held on Tuesday, July 6, 2004, at 6:30 p.m., in Conference Room 3A, Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE AND CALL TO ORDER

Present were Commissioners Young, Pons, Hertzler, Friend, Rose, and McBeth. Absent was Commissioner Smith. Also present were Planning Director Nester and Zoning Administrator Murphy.

Mr. Young called the meeting to order.

OPEN FORUM

Darr Barshis, 17 Forest Hills Drive, asked for more information on assessment districts for burying utility lines.

COMPREHENSIVE PLAN UPDATE

Mr. Young announce that the Comprehensive Plan topic for tonight's meeting was City Housing Policies and Regulations.

Mr. Jim Gurganus, Executive Director of the Williamsburg Redevelopment and Housing Authority, reviewed their housing programs, making the following points:

- Income levels for public housing that WRHA operates at 50% of median income for priorities, and 80% for individual projects.
- There are 104 public housing units, including 38 for the elderly and disabled.
- 73 people are on the waiting list for public housing.
- \$11,130 is the average income for public housing – there is a need for more affordable housing in the City.
- Of the 56 lots in the Strawberry Plains Redevelopment Area, 5 houses are sold, 44 are under construction or being processed, and 7 lots are left. The average monthly income needed to buy a house is \$2,200. The project should be finished by Spring '05.
- WRHA has applied for a \$1,597,033 grant for the Braxton Court area. The grant will upgrade utilities, remove five blighted structures, build a new commercial building for retail sales.

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- A planning grant has been received to study the Quarterpath Park area to see what the needs are. WRHA is already working on Pocahontas Street.
- WRHA also does scattered site housing, and is looking around the City for areas that could be rehabilitated like Strawberry Plains.
- WRHA has a program for deed restrictions with owner-occupied clauses, giving the WRHA right of first refusal when the property is sold.

Mr. Hertzler asked what the City could do in the Comprehensive Plan to help. Mr. Gurganus said that increased density would be a help in providing lower cost housing.

Mr. Hertzler asked about the deed restrictions. Mr. Gurganus said that it would not inhibit receiving fair market value – the WRHA has 30 days to act. If the majority of neighbors would do it, it would benefit the entire neighborhood. If the WRHA does get a house, it would make any needed repairs and sell to an owner occupant. The intent is not to make a profit.

Mr. Pons asked how “affordable” is determined. Mr. Gurganus said that for Strawberry Plains, affordable was 80% of the median income. Mr. Pons expressed concerns that as property values rise, houses will price themselves out of the l/m market. Mr. Gurganus said the WRHA couldn’t require a sale back to WRHA at the assessed value. Mr. Gurganus noted that Strawberry Plains has deed restrictions that require owner occupancy, and give the WRHA first right of refusal.

John Catlett, Codes Compliance Administrator, reviewed the Property Maintenance Code and the Rental Inspection Program:

- Programs include City-wide curb inspections of all properties on a rotating basis (Neighborhood Improvement Program); Adjacent property and occupant complaints; and Rental Inspection Program.
- The Neighborhood Improvement Program has been enforced since 1998, with emphasis on exterior building and property conditions, and includes inoperable motor vehicles, exterior storage, trash and debris, and general exterior building maintenance.
- The Rental Inspection Program will be modified to reflect changes in the state enabling legislation. The program requires interior and exterior inspections of rental properties in four established districts, and inspection required when a unit is first offered for rent. Changes will be made in the next twelve months to comply with new state laws (HB 828). We have identified 372 rental units in the established districts, and since July 1, 2003, our office has conducted 309 initial inspections. 245 certificates of compliance have been issued.
- There are 887 different addresses that have been cited for some sort of property maintenance related violation since 1993. (There are currently approximately 4,100 taxable and nontaxable parcels in the city.) Many properties have been cited for various violations more than once. Over the last sixteen months, there have been 598 cases.

Mr. Hertzler asked if the rental inspection program looks at more than three persons per house. Mr. Catlett said that this isn't specifically looked for and is primarily a zoning issue, and most difficult to prove.

Mr. Pons asked about the criteria for determining the rental districts, and Mr. Catlett noted a high proportion of rental units to total units, age of buildings and structures, high levels of complaints, history of code compliance violations, proximity to the College and the restored area, overcrowding conditions, etc.

Mrs. McBeth asked if the City maintained a habitual offenders list. Mr. Catlett said no, but noted that the entire City is inspected at least twice a year, and that extra time is spent in problem areas.

Reed Nester, Planning Director, and Carolyn Murphy, Zoning Administrator, reviewed the "3 Person Rule." Mr. Nester said that until 1991, four unrelated persons were allowed in a dwelling unit. In 1991, the Zoning Ordinance was revised and the number was dropped to three, the same as James City County. York County has a limit of four. Ms. Murphy said that she receives about 20 complaints a year, and that it is hard to prove who is actually living in a dwelling unit. She said that a lot of units are grandfathered for four persons.

Mr. Pons asked about cooperation from landlords. Ms. Murphy said that she can generally get a copy of the lease, which usually is signed by only three tenants.

Mr. Nester discussed Bed and Breakfast use in single family areas, and noted that the regulations had changed several time, and that this use is not limited to several major corridors in the City, with a quota for each street. The only street that is at the quota is Richmond Road, which has 10 Bed and Breakfast uses (defined by the Zoning Ordinance as rental of bedrooms to visitors). Some of the major issues are:

- Should the limit on the number of B&Bs on each corridor be kept? This can prevent the use of buildings for B&B when the quota is full, and could encourage rental of houses to students instead.
- Should more rooms be allowed in certain circumstances, e.g. larger lots and/or larger houses? How will parking be handled in this case.
- How will any changes in the regulations affect the stability of the residential areas where the B&Bs are located.

In response to Mr. Barshis's question in the open forum, Mr. Phillips said that a petition by 75% of the property owners in a neighborhood is needed to move forward on an underground wiring project. A portion of the cost is taxed to the various properties over time.

Mr. Hertzler noted his web site for Comprehensive Plan discussion – www.discusstheplan.com. Mr. Phillips said that this can be used by the Commission as long as it

is not an interactive discussion, which would constitute an illegal meeting. Mr. Pons said that this is another opportunity for people to participate.

OPEN FORUM

Bob Tubbs, owner of The Cedars, 616 Jamestown Road, said that a B&B group has started to put together information for Planning Commission to use in its deliberations.

Stewart Hughes, 103 Williamsburg Avenue, raised questions about allowing greater densities in the City. He said that the Spotswood Golf Course should be left as RS-1 and CW could come to the City for a rezoning if they wanted more density. He also said that the market should control the number of B&B uses.

Darr Barshis, 17 Forest Hills Drive, made the following points:

- He would like to see the public given the opportunity to question the presenters after their presentations, rather than at the end of the meeting.
- Momentum should not be lost on underground wiring - it needs to be a commitment in the Capital Improvement Program.
- Nonconforming uses are an issue, and the ordinance has not been changed since 1991.
- Can the WRHA share in capital gains for subsidized housing.

The meeting adjourned at 8:45 p.m.

Jesse Young, Chairman
Williamsburg Planning Commission